

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BROADWAY GRILL, INC.,
Plaintiff,
v.
VISA INC., et al.,
Defendants.

Case No. 16-cv-04040-PJH

**ORDER DENYING MOTION TO
CHANGE TIME**

Re: Dkt. No. 10

Before the court is plaintiff Broadway Grill, Inc.'s motion to change time under Local Rule 6-3. Dkt. 10. Plaintiff's motion seeks to shorten the time for briefing and hearing on its motion to remand, which is noticed for hearing on August 31. See Dkt. 9. Having reviewed the papers and carefully considered the parties' arguments, the court hereby DENIES the motion to change time, for the following reasons.

Under Local Rule 6-3, a party must identify "substantial harm or prejudice that would occur" if the court does not grant the motion. Here, the only prejudice identified by plaintiff is that, before July 28, it must provide a notice of opposition to a conditional transfer order ("CTO") entered by the Judicial Panel on Multidistrict Litigation ("JPMDL"). Plaintiff fears that, by the time its motion to remand is heard by this court, it will be "too late" if the JPMDL acts on the pending motion to transfer this case to the Eastern District of New York. Mot. at 4.

Plaintiff has not identified substantial prejudice to justify shortening the briefing and hearing schedule. Plaintiff is only required to file a short notice of opposition to the CTO on July 28; its substantive brief is not due until 14 days thereafter. See Rules of Procedure for the JPMDL 7.1(c), (f). Plaintiff does not describe any reason that the

1 motion to remand must be heard before the JPMDL acts. In any event, there is no
2 substantial risk that this will actually occur, as the JPDML has not yet set a briefing
3 schedule and appears likely to not hear the matter until September. See Decl. of Sharon
4 Mayo, Dkt. 12 ¶¶ 8-10. Accordingly, the plaintiff's motion to change time is DENIED.

5 **IT IS SO ORDERED.**

6 Dated: July 26, 2016

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PHYLLIS J. HAMILTON
United States District Judge

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